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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,002	03/03/2004	Jeffrey A. Lindley	P-123451.1 (UTI)	4246
7590	12/30/2004		EXAMINER	
Daniel D. Chapman, Esq. JACKSON WALKER L.L.P. 112 E. Pecan Street, Suite 2100 San Antonio, TX 78205			LEUNG, PHILIP H	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/792,002	LINDLEY ET AL.	
	Examiner Philip H Leung	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 October 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-13 and 15-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3-10,13 and 15-20 is/are rejected.

7) Claim(s) 10 and 11 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7-12-2004.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. Claims 4 and 10 are identical as they were both amended to depend from claim 1. One of them needs to be cancelled or amended.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 7, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstreet (GB 2 370 240), in view of Bowen (US 4,904,834) (both cited in the previous Office action) and Bolton (US 4,980,529) (newly cited).

Greenstreet shows a stirring device comprising: a microwave oven having a cooking chamber defined by three walls, a floor, an upper surface, and a door, and a carousel (item 6 or 10) located on said floor of said microwave, a base member, an attachment member integral to said base and fixed to said upper surface of said cooking chamber; and a shaft depending from said base member, and terminating in a head having at least one blade (items 1, 3 and 4 are the claimed base member, attachment member, shaft with a stirring blade as shown in Figures 1 and 2)". See Figures 1-3 and 5 and Pages 1 and 2. Therefore, Greenstreet shows a microwave oven food stirring device having every feature and structure as claimed except for the use of a single suction cup as the attachment member. Bowen shows a microwave oven 10 having a cooking

chamber 30 defined by three walls, a floor, an upper surface, and a door, and a carousel 32 located on said floor of said microwave, a mounting member 50 with an attachment member (suction cups 60, 62) integral to the mounting member and fixed to a wall of the cooking chamber; and a shaft 34 depending from the mounting member and terminating in a head 76 having at least one blade (see Figures 1-3 and col. 3, line 54 – col. 4, line 52). It shows the use of suction cups 60, 62 or support block 80 with screw 82 (Figure 4) as the attachment member for mounting the stirrer to the wall of the microwave chamber. Bowen uses suction cups on the sidewalls because the use of a suction cup on the ceiling obviously would interfere with the microwave entrance into the oven chamber, as its waveguide 18 and microwave stirrer 20 are located at the ceiling of the chamber (see Figure 1). Bolton shows a microwave oven with an item suspending from the ceiling of the microwave oven. It teaches the use of a single suction cup 140 for securing the item instead of other suitable devices including a support rod, adhesive tape or hook (see Figure 1, col. 2, lines 58-60, col. 3, lines 20-24 and col. 5, lines 55-68). It would have been obvious to an ordinary skill in the art to modify Greenstreet to use any well known support mounting devices, including a single suction cup, instead of bayonet for attaching the food stirring device to the chamber wall for easy attachment, in view of the combined teaching of Bowen and Bolton. In regard to claims 7 and 18, the use of blades with an opening is also well known as shown by Bowen in Figure 3.

4. Claims 3, 5, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstreet (GB 2 370 240), in view of Bowen (US 4,904,834) and Bolton (US 4,980,529), as applied to claims 1, 7, 13 and 18 above, and further in view of McCauley (US 4,832,501).

Greenstreet combined with Bowen and Bolton shows every feature and structure as claimed except for the use of a telescoping shaft. However, Bowen teaches the use of telescoping horizontal shafts for easy length adjustment (see col. 4, lines 17-28 and col. 5, lines 5-8). Anyway, McCauley shows a food stirrer with a telescoping shaft so that the length of the stirrer can be adjusted (see Figures 1-5 and col. 3, line 64 – col. 4, line 41). It would have been obvious to an ordinary skill in the art to further modify Greenstreet to use a telescopic shaft so that the length of the food stirrer can be varied in accordance with the size of the oven chamber, in view of the combined teaching of Bowen and McCauley.

5. Claims 4, 8-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstreet (GB 2 370 240), in view of Bowen (US 4,904,834) and Bolton (US 4,980,529), as applied to claims 1, 7, 13 and 18 above, and further in view of Artusi (US 5,286,107) (newly cited).

Greenstreet combined with Bowen and Bolton shows every feature and structure as claimed except for the use of shaft connection with an interference fit. Artusi shows a stirrer with detachable stirring blades using interference fit to couple the blade and the shaft for easy connection and disconnection (see Figures 1-11 and col. 3, lines 20-52). It would have been obvious to an ordinary skill in the art to further modify Greenstreet to use an interference fit for coupling the shaft and the blade for easy assembly and disassembly, in view of the teaching of Artusi. In regard to claim 8, the use of a plurality of blades is considered routine in the art of food stirrer as shown by Artusi (see Figures 9 and 11). In regard to claims 9 and 19, as blades with opening and blades without openings are both well known in the art of food stirrers, to use

any combination of known blades would have been a mere matter of engineering expediency depending on the type of food being stirred.

6. Claims 6, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstreet (GB 2 370 240), in view of Bowen (US 4,904,834) and Bolton (US 4,980,529), as applied to claims 1, 7, 13 and 18 above, and further in view of Chester (US 2,203,672) (newly cited).

Greenstreet combined with Bowen and Bolton shows every feature and structure as claimed except for the use of a shaft having a spiral groove. Chester shows a food stirrer with a shaft having a spiral groove to create a desirable downwardly directed stream (Figures 2 and 6 and col. 2, lines 57-66). It would have been obvious to an ordinary skill in the art to further modify Greenstreet to use a shaft with a spiral groove for better stirring effect, in view of the teaching of Chester. In regard to claim 20, Chester also shows a shaft with a longitudinal groove (Figure 4 and col. 2, lines 48-56).

7. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

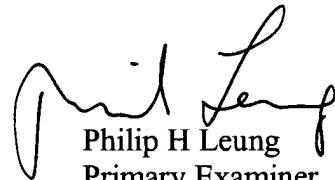
8. Applicant's arguments with respect to claims 1, 3-10, 13 and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (571) 272-4782.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
12-23-2004